

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on March 22, 2011 at 8:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Donald J. Steinbeisser (R)
Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent:

None

Staff Present:

Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 315, 3/11/2011; HB 405, 3/11/2011; HB 416, 3/11/2011

Executive Action: HB 43, HB 100, HB 341, Do Concur As Amended; HB 342, HB 315, Do Concur.

EXECUTIVE ACTION ON HB 43

00:01:48 **Motion:** Sen. Moore moved that **HB 43 BE CONCURRED IN.**

Discussion:

00:01:45 Chairman Balyeat

00:04:11 Ms. Murdo

00:07:47 Chairman Balyeat, defer, without objection

00:08:01 Kevin Braun, Montana State Fund

00:09:14 **Motion:** Sen. Moore moved that **HB 43 BE AMENDED.**

EXHIBIT(bus64a01)

00:09:30 Sen. Facey

00:09:48 Chairman Balyeat

00:09:52 **Vote:** Motion carried unanimously by voice vote. Sen. Steinbeisser, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:10:13 **Motion:** Sen. Facey moved that **HB 43 BE CONCURRED IN AS AMENDED.**

Discussion:

00:10:31 Ms. Murdo

00:11:23 Chairman Balyeat

00:11:39 Sen. Facey

00:12:15 **Vote:** Motion carried unanimously by voice vote. Sen. Steinbeisser, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Moore will carry the bill.

EXECUTIVE ACTION ON HB 100

00:12:52 Chairman Balyeat

00:13:23 Sen. Tropila

00:14:08 **Motion/Vote:** Sen. Mowbray moved to **RECONSIDER PREVIOUS ACTION on HB 100.** Motion carried 5-4 by roll call vote of those present and voting. Sen. Stewart-Peregoy, Sen. Vuckovich, Sen. Facey, and Sen. Tropila voted no.

00:15:29 **Motion:** Sen. Mowbray moved that **HB 100 BE CONCURRED IN.**

00:15:41 **Motion:** Sen. Mowbray moved that **HB 100 BE AMENDED.**

EXHIBIT(bus64a02)

Discussion:

00:16:38 Chairman Balyeat

00:18:19 Ms. Murdo

EXHIBIT(bus64a03)

00:19:03 Chairman Balyeat

00:19:07 Sen. Mowbray

00:19:18 Sen. Tropila

00:19:29 Ms. Murdo

00:20:25 Chairman Balyeat

00:21:38 Ms. Murdo

EXHIBIT(bus64a04)

00:22:02 Sen. Vuckovich

00:22:25 Chairman Balyeat

00:23:09 **Vote:** Motion carried 7-4 by roll call vote with Sen. Moore, Sen. Stewart-Peregoy, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:24:18 **Motion:** Sen. Mowbray moved that **HB 100 BE CONCURRED IN AS AMENDED.**

Discussion:

00:24:27 Sen. Facey

00:24:44 Sen. Mowbray

00:26:01 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Priest will carry the bill.

Discussion:

00:26:08 Chairman Balyeat

00:27:00 Sen. Facey

00:27:21 Sen. Mowbray

00:27:29 Ms. Murdo

EXECUTIVE ACTION ON HB 342

00:28:54 **Motion:** Sen. Facey moved that **HB 342 BE CONCURRED IN.**

Discussion:

00:29:06 Chairman Balyeat

00:29:16 Sen. Facey

00:30:22 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 341

00:30:55 **Motion:** Sen. Facey moved that **HB 341 BE CONCURRED IN.**

Discussion:

00:31:25 Ms. Murdo

00:31:38 Chairman Balyeat

00:31:41 **Motion:** Sen. Facey moved that **HB 341 BE AMENDED.**

EXHIBIT(bus64a05)

Discussion:

00:33:15 Chairman Balyeat

00:33:23 Ms. Murdo

00:34:19 Sen. Facey

00:34:29 Chairman Balyeat

00:35:55 Sen. Facey

00:36:02 Sen. Moore

00:37:07 Sen. Mowbray

00:37:29 Sen. Facey

00:37:37 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:38:55 **Motion:** Sen. Balyeat moved that **HB 341 BE AMENDED.**

EXHIBIT(bus64a06)

00:39:20 **Vote:** Motion carried 8-3 by roll call vote with Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:40:13 **Motion:** Sen. Moore moved that **HB 341 BE CONCURRED IN AS AMENDED.**

Discussion:

00:40:34 Sen. Tropila

00:40:38 Ms. Murdo

00:41:09 Sen. Mowbray

00:41:12 Sen. Tropila

00:42:00 Chairman Balyeat

00:42:44 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

00:44:15 Recess

00:52:05 Resume with Vice Chair Jackson as acting Chair.

HEARING ON HB 405

Opening Statement by Sponsor:

00:52:46 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 405, Medical malpractice reform.

EXHIBIT(bus64a07)

Proponents' Testimony:

00:58:46 Erin MacLean, Montana Medical Association (MMA)

01:06:19 Dr. Paul Cook, President, Rocky Mountain Health Network (RMHN), Billings

01:08:10 Dr. Michael Brown, Pathologist, Billings

EXHIBIT(bus64a08)

01:14:25 Patrick Heffernan, Montana Wood Products Association

01:15:19 Jon Bennion, Montana Chamber of Commerce

01:16:03 Aimee Grmoljez, Billings Clinic

01:16:25 Dr. Carter Beck, Missoula physician

01:20:03 Dr. Dennis Salisbury, Family physician, Butte; Montana Academy of Family Physicians (MAFP)

01:24:24 Dick Brown, President, Montana Hospital Association (MHA), Vice President, Yellowstone Insurance Exchange (YIE)

01:25:11 Dr. Shaun Gillis, OB GYN, Bozeman

01:26:00 Dr. Robert Stears, Radiologist, St. Vincent's Healthcare, Billings

01:32:55 Dr. George Bentzel, General Surgeon, Billings

01:35:48 Mike Foster, Catholic Hospitals in Montana

01:36:53 Mark Taylor, Benefis Health System; also speaking for Bill Warden, Billings Deaconess Hospital and St. Peter's Hospital

Opponents' Testimony:

01:37:08 David Paoli, Attorney, Missoula; representing himself

EXHIBIT(bus64a09)

01:45:00 Sen. Tutvedt arrived.

01:47:02 Jim Hunt, Attorney, self

01:52:57 Al Smith, Montana Trial Lawyers Association (MTLA)

EXHIBIT(bus64a10)

Informational Testimony:

02:10:38 Kathy Stepp, Associate Director, Montana Medical League Panel (MMLP)

Questions from Committee Members and Responses:

02:11:04 Sen. Vuckovich

02:14:11 Rep. Taylor

02:14:58 Sen. Vuckovich

02:19:19 Mr. Foster, Catholic Hospitals in Montana

02:20:45 Vice Chair Jackson
 02:21:12 Sen. Tutvedt
 02:26:55 Dr. Beck, Missoula physician
 02:27:40 Sen. Facey
 02:33:29 Ms. MacLean, MMA
 02:33:55 Sen. Facey
 02:34:22 Dr. Gillis, Billings physician
 02:35:03 Sen. Facey
 02:36:43 Mr. Smith, MTLA
 02:37:39 Sen. Mowbray
 02:37:48 Sen. Tropila
 02:41:05 Mr. Paoli, self

 02:41:44 Sen. Balyeat returned.

 02:42:28 Mr. Paoli
 02:43:44 Sen. Tropila
 02:44:08 Mr. Paoli
 02:44:21 Sen. Tropila
 02:45:28 Rep. Taylor
 02:46:35 Sen. Balyeat
 02:46:40 Dr. Beck
 02:47:27 Sen. Mowbray
 02:48:13 Vice Chairman Jackson
 02:48:48 Sen. Tropila
 02:49:09 Mr. Paoli, defer, without objection
 02:49:57 Mr. Smith

 02:51:43 Sen. Facey left the room.

 02:51:00 Vice Chair Jackson
 02:51:09 Ms. MacLean
 02:52:18 Sen. Tutvedt
 02:52:29 Ms. MacLean
 02:53:32 Sen. Tropila
 02:57:08 Ms. MacLean

Closing by Sponsor:

02:57:39 Rep. Taylor

 03:00:40 Recess
 03:06:53 Resume

Note: After the break, Sen. Balyeat resumed as Chairman. Sen. Tutvedt and Sen. Stewart-Peregoy did not return from the break.

HEARING ON HB 416

Opening Statement by Sponsor:

03:07:34 Rep. Harry Klock (R), HD 83, opened the hearing on HB 416. Provide for confidentiality for medical practices quality assurance.

Proponents' Testimony:

03:08:13 Michael Brown, Pathologist, Billings

EXHIBIT(bus64a11)

03:10:34 Dr. Paul Cook, Chairman, Rocky Mountain Health Care (RMHC), Billings

03:11:21 Greg Drapes, CEO, Monida Health Care Network

03:15:31 Dr. George Bentzel, General Surgeon, Billings

03:16:21 Sen. Facey returned.

03:17:22 Dr. Carter Beck, Missoula physician

03:18:32 Dr. Dennis Salisbury, Rocky Mountain Clinic; Butte; Montana Academy of Family Physicians (MAFP)

03:19:35 Erin MacLean, Montana Medical Association (MMA)

03:21:06 Aimee Grmoljez, Billings Clinic

03:22:17 Mike Foster, Catholic Hospitals in Montana

03:22:41 Dick Brown, Montana Hospital Association (MHA)

03:22:50 Mark Taylor, Benefis Health System; also speaking for Bill Warden, Billings Deaconess Hospital and St. Peters Hospital

Opponents' Testimony:

03:23:14 Al Smith, Montana Trial Lawyers Association (MTLA)

EXHIBIT(bus64a12)

03:33:37 David Paoli, self

03:34:03 Sen. Tutvedt returned. Sen. Steinbeisser left the room.

Informational Testimony: None

Questions from Committee Members and Responses:

03:38:38 Sen. Facey

03:39:02 Ms. Grmoljez

03:40:57 Sen. Facey

03:41:02 Mr. Smith

03:42:02 Sen. Moore

03:42:07 Mr. Smith

03:45:18 Sen. Tropila

03:46:43 Mr. Smith

03:48:03 Chairman Balyeat

Closing by Sponsor:

03:48:14 Rep. Klock

HEARING ON HB 315

Opening Statement by Sponsor:

03:49:56 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 315.
Revise historic traction boiler inspection and traction license requirements.

Proponents' Testimony:

03:52:49 Corky Harris, self
03:54:57 Dick Tombrink, Worden

EXHIBIT(bus64a13)

03:58:10 Sen. Steinbeisser returned.

03:58:52 Mike Cooney, Interim Director, Montana Historical Society
04:01:19 Casey Ford, Livingston

Opponents' Testimony: None

Informational Testimony:

04:03:25 Dave Cook, Department of Labor and Industry (DOLI)

Questions from Committee Members and Responses:

04:03:43 Sen. Vuckovich
04:03:55 Rep. MacDonald
04:04:24 Sen. Mowbray
04:04:43 Mr. Harris
04:04:58 Sen. Tropila
04:05:04 Mr. Tombrink, Worden
04:05:40 Sen. Tutvedt
04:07:59 Mr. Tombrink
04:08:36 Chairman Balyeat
04:08:44 Sen. Tutvedt
04:08:48 Sen. Moore
04:08:51 Mr. Cook
04:09:36 Chairman Balyeat

Closing by Sponsor:

04:10:11 Rep. MacDonald
04:11:20 Chairman Balyeat

EXECUTIVE ACTION ON HB 315

04:11:33 **Motion/Vote:** Sen. Facey moved that **HB 315 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Stewart-Peregoy and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill.

04:11:47 Chairman Balyeat

ADJOURNMENT

Adjournment: 12:15 P.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus64aad.pdf](#))